

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GARY CASTERLOW-BEY,

Plaintiff,

v.

BARNES AND NOBLES,

Defendant.

CASE NO. 3:17-cv-05834-RJB

ORDER GRANTING
APPLICATION TO PROCEED IN
FORMA PAUPERIS AND
DIRECTING SERVICE

This matter comes before the Court on Plaintiff's Application for Leave to Proceed in Forma Pauperis ("IFP"). Dkt. 1. The Court has considered the application and the remainder of the record herein.

On October 13, 2017, Plaintiff, a *pro se* prisoner, filed this case, moved for IFP, and provided a proposed complaint asserting that Defendant "Barnes and Nobles" committed copyright infringement, breached a contract, and committed fraud when it sold Plaintiff's books. Dkts. 1 and 1-1. Plaintiff also makes reference to the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962. *Id.* Plaintiff seeks several million dollars in damages. *Id.*

In addition to this case, Plaintiff filed similar actions against:

1 (1) Trafford Publishing Company, *Casterlow-Bey v. Trafford Publishing Company*,
2 Western District of Washington case number 17-5459 RJB;

3 (2) Google.com and Amazon.com, *Casterlow-Bey v. Google.com, et al.*, Western District
4 of Washington case number 17-5686 RJB,

5 (3) Ebay.com, *Casterlow-Bey v. Ebay.com*, Western District of Washington case number
6 17-5687 RJB, and

7 (4) Amazon, Google, Barnes and Nobles, Ebay, and Trafford, *Casterlow-Bey v.*
8 *Amazon.com, et al.*, Western District of Washington case number 17-5833 RJB.

9 **IFP APPLICATION.** The district court may permit indigent litigants to proceed in
10 forma pauperis upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a).
11 However, the court has broad discretion in denying an application to proceed in forma pauperis.
12 *Weller v. Dickson*, 314 F.2d 598 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963).

13 Plaintiff states that he is not employed, is totally disabled, and receives Social Security
14 Disability Income of \$738.00/month. Dkt. 1. He reports he has expenses of \$625. *Id.* Plaintiff
15 indicates that he has no assets or dependents. *Id.* He is incarcerated. *Id.* Plaintiff completed the
16 application and has made a sufficient showing of indigence. His IFP application (Dkt. 1) should
17 be granted.

18 **SERVICE OF THE COMPLAINT.** Under Fed. R. Civ. P. 4 (c)(3), where a party has
19 been granted IFP status under § 1915, the court must order that service of the complaint be made
20 “by a United States Marshal, deputy marshal or by a person specially appointed by the court.”
21 Plaintiff has submitted a summons form. Dkt. 1-3.

22 **(1) Service by Clerk**
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1 The Clerk is directed to send the following to Defendant by U.S. mail at the address
2 provided in the summons filled out by Plaintiff (Dkt. 1-3): copies of Plaintiff's Complaint, this
3 Order, the notice of lawsuit, and request for waiver of service of summons, and a waiver of
4 service of summons.

5 **(2) Response Required**

6 The Defendant shall have thirty (30) days within which to return the enclosed waiver of
7 service of summons. A defendant who timely returns the signed waiver shall have sixty (60) days
8 after the date designated on the notice of lawsuit to file and serve an answer to the Complaint or
9 a motion permitted under Fed. R. Civ. P. 12.

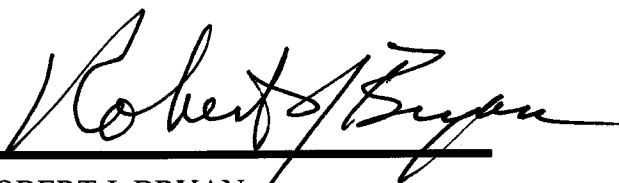
10 A defendant who fails to timely return the signed waiver will be personally served with a
11 summons and complaint, and may be required to pay the full costs of such service, pursuant to
12 Rule 4 (d)(2) of the Federal Rules of Civil Procedure. A defendant who has been personally
13 served shall file an answer or motion permitted under Rule 12 within thirty (30) days after
14 service.

15 **ORDER**

- 16 • Plaintiff's Motion for Leave to Proceed in Forma Pauperis (Dkt. 1) **IS**
17 **GRANTED**; and
18 • The Clerk is directed to send the following to Defendant by U.S. mail at the
19 address provided in the summons filled out by Plaintiff (Dkt. 1-3): copies of
20 Plaintiff's Complaint, this Order, the notice of lawsuit and request for waiver of
21 service of summons, and a waiver of service of summons.

22 The Clerk is further directed to send uncertified copies of this Order to all counsel of
23 record and to any party appearing *pro se* at said party's last known address.

1 Dated this 30th day of October, 2017.

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4 ROBERT J. BRYAN
5 United States District Judge
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